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95th Congress

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(Note: Fill in all blank lines except those provided for the date, number, and reference of bill.)

1st SESSION

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ODP #1094-77

IN THE SENATE OF THE UNITED STATES

Mr. _____

introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To improve the national intelligence system of the United States by the establishment of a statutory basis for the national intelligence activities of the United States, and for other purposes.

(Insert title of bill here)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Intelligence Act of 1977".

Sec. 2. It is the purpose of this Act--

(1) to insure that all intelligence activities of the United States are properly and effectively directed, regulated, coordinated, and administered;

(2) to provide the executive and legislative branches of the government with such accurate, relevant, and timely

information and analysis as may be necessary to enable such branches to (A) make sound and informed decisions regarding the security and vital interests of the United States, and (B) protect the United States against foreign espionage, sabotage, clandestine intelligence activities, assassination, terrorism, and other forms of foreign aggression; and

(3) to insure that the intelligence activities of the United States do not infringe upon or violate those individual

rights protected by the Constitution or laws of the United States.

DEFINITIONS

Sec. 3. (1) The term "intelligence activities" means--

(A) the collection, processing, file retention, analysis, production, or dissemination of information, including political, economic, scientific, technical, military, cultural, sociological, and geographic information which relates to any foreign country, or any government, political group, party, military force, movement, or other association of persons in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and any activity which is in support of any of such collection, processing, file retention, analysis, production, dissemination, or use of information;

(B) any counterintelligence activity;

(C) any special activity;

(D) any sensitive clandestine collection project.

(2) The term "national intelligence" means information and analysis relating to the national defense, the national security, or the foreign policy interests of the United States and which are used primarily by national policymakers. Such term does not include information and analysis which are used primarily by department or agency heads or tactical commanders of the armed forces of the United States and which have no significant national policy-making purpose.

(3) The term "national intelligence activity" means special activities and intelligence activities conducted for the purpose of producing national intelligence, including activities of (A) the Central Intelligence Agency, (B) the Defense Intelligence Agency, (C) the National Security Agency, (D) the intelligence components of the Federal Bureau of

Investigation, (E) the Special Offices for Reconnaissance Activities, (F) the Bureau of Intelligence and Research of the Department of State, (G) the intelligence components of the Department of the Treasury, (H) the intelligence components of the Energy Research and Development Administration, and (I) such other activities as the President shall designate.

(4) The terms "departmental or tactical intelligence" means information and analysis which are used primarily by department or agency heads or tactical commanders of the armed forces of the United States and which have no significant national policy-making purpose.

(5) The terms "departmental or tactical intelligence activities" means intelligence activities (other than special activities) for the purpose of producing tactical or departmental intelligence.

(6) The term "Intelligence Community of the United States" means all entities of the Federal Government to the extent that such entities are engaged in national intelligence activities, including, but not limited to (A) the Central Intelligence Agency, (B) the Defense Intelligence Agency, (C) the National Security Agency, (D) the intelligence components of the Federal Bureau of Investigation, (E) the Special Offices for Reconnaissance Activities, (F) the Bureau of Intelligence and Research of the Department of State, (G) the intelligence components of the Department of the Treasury, (H) the intelligence components of the Energy Research and Development Administration, and (I) such other entities as are engaged in national intelligence activities as designated by the President.

(7) The term "national of the United States" means (A) a citizen of the United States, or (B) a person, though not a

citizen of the United States who owes permanent allegiance to the United States.

(8) The term "counterintelligence activities" means the collection, processing, file retention, analysis, production or dissemination of information which relates to the attempt by any foreign country, or any government, political group, party, military force, movement, or other association of persons in such foreign country to obtain information which relates to the defense, foreign policy, national security or related policies of the United States, and any related support activity.

(9) The term "special activities" means activities other than the collection, correlation, production, and dissemination of information and analysis and related support activities which are (A) designed to further United States programs and policies abroad, (B) planned and executed so that the role of the United States Government is not apparent or publicly acknowledged, and (C) carried out by any entity of the Intelligence Community of the United States under the direction and control of the National Security Council.

(10) The term "sensitive clandestine collection project" means any secret intelligence collection activity which if discovered or revealed might cause significant harm or embarrassment to the United States or cause a significant adverse reaction from another country.

(11) The term "Attorney General" means the Attorney General of the United States.

(12) The term "continuing resolution" means a joint resolution of the Congress appropriating funds for one or more departments or agencies of the government for a temporary

period of time pending the enactment of the regular appropriation Act or Acts for such departments or agencies.

NATIONAL INTELLIGENCE ACTIVITIES; AUTHORIZATION

Sec. 4. (a) The entities of the Intelligence Community of the United States are authorized to engage in national intelligence activities which shall be subject to the direction and control of the National Security Council.

(b) It shall be the function of the entities of the Intelligence Community of the United States to collect, process, analyze, and disseminate, to the executive and legislative branches of the government, accurate, relevant, and timely information and analysis. It shall also be the function of the entities of the Intelligence Community of the United States to engage in special activities, subject to the provisions of Section 11 of this Act and in counterintelligence activities, subject to the guidance of the Counterintelligence Committee established pursuant to Section 12 of this Act.

DIRECTOR AND DEPUTY DIRECTOR

Sec. 5. (a) There shall be a Director of National Intelligence (hereinafter referred to as the "Director"). There shall also be a Deputy Director of National Intelligence to assist the Director in carrying out his functions under this Act and to act in the place of the Director during the absence or disability of the Director.

(b) The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate, and each shall serve at the pleasure of the President. No person may serve as Director or Deputy Director for a period of more than six years unless such person is reappointed by the President, by and with the advice and consent of the Senate. No person who has served as Director or Deputy Director for a period of less than six years and is subsequently appointed or reappointed to that same office may serve in that

office under such appointment or reappointment for a term of more than six years. In no event may any person serve as Director or Deputy Director for more than a total of twelve years. At no time shall the two positions of Director and Deputy Director be occupied simultaneously by commissioned officers of the armed services whether in active or retired status.

(c) (1) If a commissioned officer of the armed forces is appointed as Director, or Deputy Director, then--

(A) in the performance of his duties as Director or Deputy Director, he shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were a civilian in no way connected with the Department of the Army, the Department of the Navy, the Department of the Air Force, or the armed forces of the United States or any component thereof; and

(B) such officer shall not possess or exercise any supervision, control, powers, or functions (other than such as he possesses, or is authorized or directed to exercise, as Director, or Deputy Director) with respect to the armed forces or any component thereof, the Department of the Army, the Department of the Navy, or the Department of the Air Force, or any branch, bureau, unit, or division thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1) of this subsection, the appointment to the office of Director, or Deputy Director, of a commissioned officer of the armed forces, and his acceptance of and service in such office, shall in no way affect any status, office, rank, or grade he may occupy or hold in the armed forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer

shall, while serving in the office of Director, or Deputy Director, continue to hold rank and grade not lower than that in which serving at the time of his appointment and to receive the military pay and allowances (active or retired, as the case may be, including personal money allowance) payable to a commissioned officer of his grade and length of service for which the appropriate department shall be reimbursed from any funds available to the Director. Such officer shall also be paid from such funds an annual compensation at a rate equal to the amount by which the compensation established for such position exceeds the amount of his annual military pay and allowances, if any.

(3) The grade of any such commissioned officer shall, during any period such officer occupies the office of Director, or Deputy Director, be in addition to the numbers authorized by law for such grade for the military department of which such officer is a member.

(5) The Director shall be compensated at the grade of basic pay payable for positions to which section 5312 of Title 5, United States Code, is applicable.

AUTHORITY AND DUTIES OF THE DIRECTOR

Sec. 6. (a) It shall be the duty of the Director, under the direction and control of the National Security Council, to direct and control the national intelligence activities of the United States. The President shall determine, with the guidance and assistance of the National Security Council and the Director, which intelligence activities of the United States constitute national intelligence activities subject to the direction and control of the Director.

(b) The Director is authorized to review all departmental or tactical intelligence activities and all intelligence-related activities of the United States.

(c) The Director shall make such recommendations to the President, the National Security Council, and the appropriate

committees of the Congress as he deems appropriate regarding any intelligence activity or any proposed intelligence activity of the United States.

(d) The Director shall also--

(1) serve as the President's primary advisor on matters relating to national intelligence and provide the President, other officials of the executive branch of the government, and the Congress with accurate, relevant, and timely information and analysis;

(2) keep the President and the committees of Congress having jurisdiction over matters relating to national intelligence activities fully and currently informed of all national intelligence activities of the United States which are the responsibility of or are engaged in by any entity of the Intelligence Community of the United States or any agent of any such entity, including (A) any significant anticipated national intelligence activity, including any anticipated special activity, sensitive clandestine collection project, or significant counterintelligence activity, and (B) any intelligence activity carried out for or on behalf of the United States by or through any foreign government or by any agent of any foreign government; but the foregoing shall not be construed as requiring the approval of any committee of the Congress prior to the implementation of any such anticipated national intelligence activity;

(3) keep the President, the National Security Council, and the appropriate committees of the Congress informed on the relationship between national intelligence activities and the departmental and tactical intelligence activities of the United States and all intelligence-related activities of the United States;

(4) direct and coordinate the national intelligence

activities of the United States and through the provision of guidance to the head of each entity in the Intelligence Community of the United States, insure their efficient management;

(5) prepare an annual budget for presentation to the President which includes funds for all national intelligence activities of the United States, and present the budget, as approved by the President, to the Congress;

(6) allocate
all funds appropriated for carrying out national intelligence activities;

(7) establish requirements, develop plans, and assign priorities for all national intelligence activities of the United States, taking into account the need for the intelligence components of departments and agencies of the government to also perform departmental and tactical intelligence activities assigned by the heads of such departments and agencies;

(8) evaluate current and proposed intelligence activities to insure the efficient use of intelligence resources and the fulfillment of national intelligence requirements established pursuant to clause (7);

(9) make recommendations for, and implement such review procedures as are consistent with the provisions of this Act and necessary for the effective review and evaluation of proposals for, and the monitoring and periodic review of, all sensitive clandestine collection projects, special activities, and counterintelligence activities, and coordinate all clandestine collection of intelligence utilizing human sources.

(10) coordinate with the Attorney General the activities of the entities of the Intelligence Community of the United States directed against foreign espionage, sabotage,

clandestine intelligence activities, assassinations, or terrorism, under the direction of the Counterintelligence Committee established pursuant to Section 12 of this Act, in order to insure their effectiveness and that they safeguard and do not abridge any right guaranteed or protected by the Constitution or laws of the United States;

(11) receive, correlate, analyze, and evaluate all national intelligence, taking into account the need to insure that diverse points of view are heard and considered;

(12) produce the National Intelligence Estimates and Special National Intelligence Estimates of the United States for the President and the Congress.

(13) supervise the timely dissemination of national intelligence to the Congress and to all appropriate departments and agencies of the government, except that no dissemination shall be made of any such national intelligence which unduly infringes upon the privacy of any national of the United States or which violates any right guaranteed or protected by the Constitution or laws of the United States;

(14) make every reasonable effort to furnish to the departments and agencies concerned and to all tactical commanders of the armed forces of the United States all relevant national intelligence. It shall be the responsibility of the heads of departments and agencies of the government and all tactical commanders of the armed forces of the United States to insure that national intelligence obtained by such departments and agencies and tactical commands of the armed forces of the United States is promptly furnished to the Director of National Intelligence;

(15) be responsible for all relationships between the various entities of the Intelligence Community of the

United States and the foreign intelligence or internal security services of foreign governments, including any agreements, arrangements, or understandings governing such relationships; but no entity of the Intelligence Community of the United States shall pay, cause, or encourage any foreign government or any agent of any foreign government to engage in any activity which such entity of the Intelligence Community of the United States is prohibited from engaging in;

(16) submit all agreements, arrangements, and understandings described in clause 15 to the appropriate committees of Congress for review as required by law;

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(17) assign to a single entity of the Intelligence Community of the United States responsibility for any service which is of common concern to more than one such entity and which can be more effectively performed by one such entity;

(18) develop security standards for the management and handling of national intelligence, for the granting of access to such national intelligence, and for entering into such lawful security agreements as are necessary for the protection of properly classified intelligence sources and methods; provided, however, that the head of each entity of the Intelligence Community of the United States shall be responsible for implementation of such standards and for the protection from unauthorized disclosure of properly classified information and material in the custody of such entity;

(19) establish, in consultation with the Attorney General, procedures for the lawful protection, retention, disclosure, and dissemination of information acquired by the various entities of the Intelligence Community of the United States, but no such information may be retained, disclosed, or disseminated if it unduly infringes upon the

privacy of any national of the United States or if it violates any right guaranteed or protected by the Constitution or laws of the United States;

(20) be responsible for (A) the establishment of security standards, priorities, and practices for the protection of United States communications, (B) monitoring the implementation of such standards, priorities, and practices by the departments and agencies of the government and contractor facilities concerned, and (C) taking all reasonable steps recommended by the Attorney General to protect the privacy of such communications;

(21) formulate, in consultation with the Secretary of Defense, plans providing for use by the Secretary of Defense of such elements of the Intelligence Community of the United States as may be required in time of war;

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(22) terminate the employment of any officer or employee of the Central Intelligence Agency, the National Security Agency, or the Special Offices for Reconnaissance whenever the Director considers such termination necessary or advisable in the interests of the United States, notwithstanding provisions of title 5, United States Code, or any other provision of law, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission;

(23) assure (on the basis of advice given by the Attorney General) that the intelligence activities of the United States serve to safeguard and do not abridge any right guaranteed or protected by the Constitution or laws of the United States;

(24) review the reports of the internal inspection units of the entities within the Intelligence Community

of the United States; and

(25) provide such administrative, technical, and support activities in the United States and abroad as may be necessary to carry out effectively and efficiently the duties of the Director and the entities of the Intelligence Community of the United States.

(e) Nothing in this Act shall be construed to prohibit any department or agency of the government from collecting, evaluating, and disseminating departmental or tactical intelligence if such department or agency is otherwise authorized to do so; and nothing in this section shall be construed to prohibit any entity of the Intelligence Community of the United States from producing its own analyses of national intelligence, but any such analyses shall be promptly submitted to the Director.

ASSISTANT DIRECTORS; STAFF; COMMITTEES AND BOARDS

Sec. 7. (a)(1) The President is authorized to appoint, by and with the advice and consent of the Senate, not more than four Assistant Directors of National Intelligence.

(2) The Assistant Directors of National Intelligence shall perform such duties as the Director shall prescribe. Such duties may include, but shall not be limited to (A) the coordination and assessment of the analysis, evaluation, production, and dissemination of national intelligence, (B) the review of proposals for, and the monitoring and direction of, clandestine collection, special activities, and counterintelligence activities, (C) the planning, development, and management of United States technical collection systems, and (D) the administration of the office of the Director of National Intelligence and the entities of the Intelligence Community of the United States.

(b) The Director is authorized to employ such personnel as may be necessary to assist in carrying out his responsibilities

as Director of National Intelligence. Such staff may include, but shall not be limited to, persons employed by any entity of the Intelligence Community of the United States.

(c) The Director is also authorized to establish such committees or boards as may be necessary to carry out effectively the provisions of this Act, including, but not limited to, committees or boards of intelligence collectors, producers, and consumers.

(d) The Director is also authorized to establish such advisory committees as may be necessary to provide expert advice regarding the administration of this Act. The names of all persons appointed to serve on any such advisory committee shall be submitted to the committees of the Congress having jurisdiction over matters relating to the national intelligence activities of the United States and, except when to do so would compromise the national security of the United States, the names of such persons and a description of the committee or committees to which they are appointed shall be published in the Federal Register.

REPORT OF VIOLATIONS

Sec. 8. (a) The Director shall report to the Attorney General immediately upon the discovery of any intelligence activity which may constitute a violation of any right guaranteed or protected by the Constitution or laws of the United States, or of any other violation of law, or of any violation of an executive order, presidential directive, or departmental or agency rule or regulation.

(b) The Director and the Attorney General shall report, in a timely manner, to the President and to the appropriate committees of the Congress any violation described in subsection (a).

RECORDS

Sec. 9. (a) The Director shall maintain a complete record of all authorities, regulations, and guidelines affecting

the national intelligence activities of the United States. A complete copy of such record shall be maintained in the National Archives and Records Service, General Services Administration, under conditions sufficient to protect the national security of the United States. The Director shall make copies of such record available, upon request, to any committee of the Congress having jurisdiction over matters relating to national intelligence activities.

(b) The Director shall maintain a complete record of all decisions and implementing orders pertaining to the intelligence activities of the United States under his jurisdiction. The Director shall make copies of such record available, upon request, to any committee of the Congress having jurisdiction over matters relating to national intelligence activities.

REQUIREMENTS RELATING TO APPROPRIATIONS FOR
NATIONAL INTELLIGENCE ACTIVITIES

Sec. 10. (a) No funds may be appropriated for any fiscal year beginning after September 30, 1977, for the purpose of carrying out any national intelligence activity unless such funds have been previously authorized for such activity by legislation enacted during the same fiscal year or the fiscal year immediately preceding the fiscal year for which they are appropriated, except that the foregoing limitation shall not apply to funds appropriated by any continuing resolution. The Congress and the President shall make available to the public information regarding funds appropriated and expended for intelligence activities of the United States to the extent required by Article I, section 9, clause 7, of the Constitution of the United States.

(b)(1) All funds for carrying out the national intelligence activities of the United States shall be appropriated to the Director.

(2) Funds may be appropriated to the Director to cover matters relating to national intelligence activities of a confidential, extraordinary, or emergency nature; and the expenditure of such funds shall be accounted for solely on the certificate of the Director. Every such certificate shall be deemed a sufficient voucher for the amount certified therein. All other funds appropriated to the Director and all national intelligence activities, and information relating thereto, shall be subject to financial or management audit and review, subject to appropriate security standards, by the Comptroller General of the United States upon the request of any committee of Congress having jurisdiction over matters relating to national intelligence activities, and information resulting from any such financial or management audit and review shall be available only to such committees of the Congress.

(c) The Director is authorized to establish a Contingency Reserve Fund and to credit to such fund any sums of money specifically appropriated to the Director for such fund. The Director is authorized to use funds from the Contingency Reserve Fund to cover the expense in any fiscal year of any national intelligence activity not anticipated at the time the President's budget for such fiscal year was submitted to the Congress and which the Director certifies are necessary to be protected against unauthorized disclosure. However, funds from the Contingency Reserve Fund may be expended only if the expenditure has been previously approved by the Office of Management and Budget and only if the appropriate committees of the Congress are notified of the proposed expenditure at least 72 hours in advance of the expenditure and the specific purpose, authorized under this Act, for which such funds are to be expended.

SPECIAL COORDINATING COMMITTEE FOR THE
REVIEW OF CLANDESTINE ACTIVITIES

Sec. 11. (a) The President shall establish within the National Security Council a committee to be known as the Committee on Clandestine Activities (hereinafter in this section referred to as the "Committee").

(b) The Committee shall be composed of--

- (1) the Secretary of State;
- (2) the Secretary of Defense;
- (3) the Director;
- (4) the Assistant to the President for National Security Affairs;

(5) the Chairman of the Joint Chiefs of Staff;

(6) the Attorney General; and

(7) such other individuals as the President may designate.

(c) The President shall designate a chairman of the Committee.

(d) Each member of the Committee shall designate a representative to attend any meeting of the Committee which such member is unable to attend. The representative of a voting member is authorized to vote on all matters considered by the Committee.

(e) (1) It shall be the function of the Committee to consider any proposed special activity and any proposed sensitive clandestine collection project to be carried out by any entity of the Intelligence Community of the United States or by any foreign government or any agent of any foreign government on behalf of the United States, to consider any proposed significant change in any ongoing special activity or sensitive clandestine collection project, and to advise the President with respect to such proposed activity, project, or change, as the case may be. No proposed special activity, proposed sensitive clandestine collection project, or significant

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change in any ongoing special activity or sensitive clandestine collection project may be carried out unless the Committee has considered such activity, project, or change, advised the President thereon, and the President has approved such proposed activity, project, or change.

(2) It shall also be the function of the Committee to conduct a review at least annually of all ongoing special activities and sensitive clandestine collection projects being carried out by entities of the Intelligence Community of the United States or by any foreign government or any agent of any foreign government on behalf of the United States for the purpose of determining the necessity for continuing such activities and projects and making recommendations to the President regarding such activities and projects.

(f) No proposed special activity may be approved by the President unless he finds that--

(1) such proposed activity is necessary because of a grave threat to the national security of the United States;

(2) such proposed activity is consistent with publicly expressed and defined foreign policy goals of the United States; and

(3) overt activity would be unlikely to accomplish the objective intended to be accomplished by such proposed special activity.

(g) No proposed sensitive clandestine collection project may be approved by the President unless he finds that--

(1) the information to be obtained by the project is important to the national security of the United States;

(2) overt activity would be unlikely to accomplish the objective intended to be accomplished by such proposed project.

(h) No component of the Federal Government except an entity of the Intelligence Community of the United States may

conduct any special activity, and no entity of the Intelligence Community of the United States except the Central Intelligence Agency may conduct any special activity unless (1) the Director determines that the objective of such special activity cannot be achieved by the Central Intelligence Agency and designates another entity of the Intelligence Community of the United States to conduct such special activity, and (2) the President approves the decision of the Director.

(i) Whenever the Committee considers any proposal to conduct any special activity or sensitive clandestine collection project in any foreign country or to conduct any such activity or project which directly involves such country, the Committee shall, whenever the Committee deems it appropriate to do so, confer with and seek the advice and recommendations of the ambassador of the United States to the country in which such activity or project is to be carried out or to any country which will be directly affected by such activity or project.

(j) Whenever the Committee considers any proposal to engage in a new special activity or sensitive clandestine collection project or any proposal to make any significant change in an ongoing special activity or sensitive clandestine collection project, the Committee shall have available for review a careful and systematic analysis, including, but not limited to the following--

- (1) the justification of such proposed activity or change;
- (2) the nature, scope, probable duration, purpose, anticipated risks, consequences of disclosure, probability of success, and estimated costs of such activity or change;
- (3) the relationship between the proposed activity or change and related previously approved activities;
- (4) evidence that the objectives of such activity or change cannot be achieved by overt means; and

(5) the legality of the proposed activity or change under international law and the treaties of the United States.

(k) Any recommendation made by the Committee to the President must be accompanied by the individual written assessments of the members present in a formal meeting of the Committee. No meeting may be held unless a majority of the members specified in subsection (b) is present. Any such recommendation made by the Committee to the President shall also be accompanied by an opinion of the Attorney General on the legal implications of the proposed activity, project, or change, as the case may be.

(l) The Director shall, prior to the implementation of any special activity or sensitive clandestine collection project or of any significant change in any ongoing special activity or sensitive clandestine collection project, notify the appropriate committees of the Congress of any special activity or sensitive clandestine collection project or of any significant change in any ongoing special activity or sensitive clandestine collection project approved by the President and shall specifically note for such committees any case in which any special activity or any sensitive clandestine collection project involving the collection of intelligence by human sources is being conducted by an entity of the Intelligence Community of the United States other than the Central Intelligence Agency. The Director shall keep a written record of the time, manner, and content of any such notice and any official reaction or response of such committees to such notice.

(m) The Director shall submit a written report semi-annually to the appropriate committees of the Congress on all special activities and sensitive clandestine collection projects being carried out by the various entities of the Intelligence Community of the United States or by any foreign government or agent of a foreign government for or on behalf of the United States.

COUNTERINTELLIGENCE COMMITTEE

Sec. 12. (a) The President shall establish in the National Security Council a committee to be known as the Counterintelligence Committee (hereinafter in this section referred to as the "Committee").

(b) The Committee shall be composed of--

(1) the Attorney General of the United States, who shall be the chairman;

(2) one of the two Deputy Secretaries of Defense, as designated by the Secretary of Defense;

(3) the Director;

(4) the Director of the Federal Bureau of Investigation;

(5) the Director of the Central Intelligence Agency;
and

(6) the Assistant to the President for National Security Affairs.

(7) such other individuals as the President may designate.

(c) It shall be the function of the Committee to review and coordinate counterintelligence activities and provide guidance to the head of each entity of the Intelligence Community of the United States which engages in counterintelligence activities so as to increase the effectiveness of such activities. As part of such coordination and review, the Committee shall insure that all such activities are conducted in a manner which does not violate any right guaranteed or protected by the Constitution or the laws of the United States and shall make an annual report to the appropriate committees of Congress certifying that such activities have been so conducted, or, if the Committee has reason to believe that any such activity has not been so conducted, identifying which activities have been so conducted and which have not.

(d) The Committee shall review the standards established by each entity of the Intelligence Community of the United

States for the recruitment of intelligence agents.

(e) The Committee shall provide guidance for (1) the protection of foreign intelligence assets which enter the United States, and (2) the establishment of the actual status of any alien purporting to be a defector and seeking asylum in the United States.

PROHIBITION AGAINST THE USE OF MINISTERS,
JOURNALISTS, AND GOVERNMENT GRANTEES
FOR CERTAIN INTELLIGENCE ACTIVITIES

Sec. 13. (a) No entity of the Intelligence Community of the United States may--

(1) pay or provide other valuable consideration to any individual following a religious vocation to--

(A) engage in any intelligence activity for or on behalf of the United States, or

(B) provide any intelligence information to any such entity;

(2) pay or provide other valuable consideration to any individual who is receiving funds through any program of the United States designed to promote education or the arts, humanities, or cultural affairs to--

(A) engage in any intelligence activity for or on behalf of the United States, or

(B) provide any intelligence information to any such entity;

(3) pay or provide other valuable consideration to any individual who--

(A) is a journalist accredited to any United States media organization,

(B) regularly contributes material to any United States media organization,

(C) is regularly involved, directly or indirectly, in the editing of material for any United States media organization, or

(D) acts to set policy for, or provide direction to, any United States media organization; or

(4) pay for or otherwise support in any manner the distribution within the United States of any book, magazine, article, publication, film, or video or audio tape, unless such support is publicly announced.

(b) As used in this section, the term "United States media organization" means any organization publishing any newspaper, magazine, journal, or other periodical publication, any broadcast organization, or any organization producing films or video or audio tapes, if any part of such organization is owned by one or more nationals of the United States, the principal place of business of such organization is in the United States, and the principal distribution of such organization is in the United States.

PROHIBITION AGAINST USE OF NATIONALS OF THE
UNITED STATES AS COMBATANTS IN FOREIGN
COUNTRIES

Sec. 14. No national of the United States who is not a member of the armed forces serving on active duty may be assigned as a combatant in any foreign country unless the Committee on Clandestine Activities has been notified of the proposed use, such Committee has reported to the President thereon, the President has approved such assignment, and the Director has notified the appropriate committees of the Congress of such proposed assignment.

(b) The President shall discontinue any such assignment in the case of any such national of the United States not later than 90 days after notice to such committees unless the continued assignment of such national as a combatant has been specifically authorized by law. The President shall promptly discontinue the assignment of any such national as a combatant in any foreign country if the Congress so directs by concurrent resolution.

(c) As used in this section, the term "combatant" means an individual who engages in armed conflict with a hostile force.

PROHIBITION ON POLITICAL ASSASSINATIONS
AND SUBVERSION OF DEMOCRATIC GOVERNMENTS

Sec. 15. No entity of the Intelligence Community of the United States may, directly or indirectly, engage in any activity which has as an objective (1) the political assassination of any person, or (2) the subversion or overthrow of any democratic government. The provisions of this section shall not apply during any war declared by the Congress after the date of enactment of this Act.

ANNUAL REVIEW AND REPORT

Sec. 16. (a) There is hereby established a board to be known as the National Intelligence Activities Review Board (hereinafter in this section referred to as the "Board"). It shall be the function of the Board to conduct, periodically, comprehensive reviews and evaluations of the national intelligence activities of the United States and report at least annually the results of those studies and evaluations, together with such comments and recommendations as the Board may deem appropriate, to the President and the appropriate committees of the Congress. The Board is authorized to have access to all information and analysis in the custody of entities of the Intelligence Community of the United States in order to carry out its functions under this Act.

(b)(1) The Board shall be composed of nine members appointed by the President, by and with the advice and consent of the Senate.

(2) The term of office of the first members of the Board shall expire as follows: three at the end of one year; three at the end of two years; and three at the end of three years. The terms of office of all successors shall expire three years

after the expiration of the terms for which their predecessors were appointed, but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor.

(3) Only persons who are eminently qualified by virtue of their background, education, training, and experience to review and evaluate the work of the Intelligence Community of the United States shall be appointed to the Board.

(4) The Board is authorized to employ such personnel as may be necessary to assist in carrying out its functions under this Act.

CONGRESSIONAL COMMITTEE REPORTS

Sec. 18. (a) The committees of the Senate and the House of Representatives having jurisdiction over matters relating to the national intelligence activities shall make regular periodic reports to their respective Houses on the nature and extent of the national intelligence activities of the United States. Such committees shall promptly call to the attention of their respective Houses, or to any other appropriate committee or committees of their respective Houses, any matter relating to intelligence activities which requires or should have the attention of such House or other committee or committees. In making such report, the committees of the Senate and the House of Representatives having jurisdiction over matters relating to national intelligence activities shall do so in a manner consistent with the protection of the national security interests of the United States.

(b) The provisions of subsection (a) are enacted by the Congress--

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules

of each House, respectively, and shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (as far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

ANNUAL REPORT OF THE DIRECTOR

Sec. 19. (a) The Director shall prepare and submit to the committees of the Senate and the House of Representatives having jurisdiction over matters relating to national intelligence activities an annual report in which the activities of the various entities of the Intelligence Community of the United States and the intelligence activities of foreign countries directed at the United States or its interests are reviewed and discussed by the Director.

(b) The Director shall make an unclassified version of such annual report available to the public. Nothing in this subsection shall be construed as requiring the public disclosure, in any such report made available to the public, of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which any such report is based.

STATINTL

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